

House Study Bill 197 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

A BILL FOR

1 An Act relating to child, adult, and family services under
2 the purview of the department of human services, making
3 penalties applicable, and including effective date
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 225C.38, subsection 1, paragraph c, Code
2 2013, is amended to read as follows:

3 c. Except as provided in section 225C.41, a family support
4 subsidy for a fiscal year shall be in an amount determined by
5 the department ~~in consultation with the comprehensive family~~
6 ~~support council created in section 225C.48.~~ The parent or
7 legal guardian receiving a family support subsidy may elect
8 to receive a payment amount which is less than the amount
9 determined in accordance with this paragraph.

10 Sec. 2. Section 225C.42, subsection 1, Code 2013, is amended
11 to read as follows:

12 1. The department shall conduct an annual evaluation of
13 the family support subsidy program ~~in conjunction with the~~
14 ~~comprehensive family support council~~ and shall submit the
15 evaluation report with recommendations to the governor and
16 general assembly. The report shall be submitted on or before
17 October 30 and provide an evaluation of the latest completed
18 fiscal year.

19 Sec. 3. Section 225C.47, subsection 5, unnumbered paragraph
20 1, Code 2013, is amended to read as follows:

21 The department shall design the program ~~in consultation with~~
22 ~~the comprehensive family support council created in section~~
23 ~~225C.48.~~ The department shall adopt rules to implement the
24 program which provide for all of the following:

25 Sec. 4. Section 225C.49, subsection 4, Code 2013, is amended
26 to read as follows:

27 4. The department shall designate one individual whose sole
28 duties are to provide central coordination of the programs
29 under sections 225C.36 and 225C.47 and ~~to work with the~~
30 ~~comprehensive family support council~~ to oversee development and
31 implementation of the programs.

32 Sec. 5. Section 239B.5, Code 2013, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 4. a. The department shall implement
35 policies and procedures as necessary to comply with provisions

1 of the federal Middle Class Tax Relief and Job Creation Act
2 of 2012, Pub. L. No. 112-96, to prevent assistance provided
3 under this chapter from being used in any electronic benefit
4 transfer transaction in any liquor store; any casino, gambling
5 casino, or gaming establishment; or any retail establishment
6 which provides adult-oriented entertainment in which performers
7 disrobe or perform in an unclothed state for entertainment.
8 For purposes of this paragraph, the definitions found in the
9 federal Middle Class Tax Relief and Job Creation Act and
10 related rules and statutes apply.

11 *b.* Unless otherwise precluded by federal law or regulation,
12 policies and procedures implemented under this subsection shall
13 at a minimum impose the prohibition described in paragraph "a"
14 as a condition for continued eligibility for assistance under
15 this chapter.

16 *c.* The department may implement additional measures as may
17 be necessary to comply with federal regulations in implementing
18 paragraph "a".

19 *d.* The department shall adopt rules as necessary to
20 implement this subsection.

21 Sec. 6. Section 239B.14, subsection 1, Code 2013, is amended
22 to read as follows:

23 1. *a.* An individual who obtains, or attempts to obtain,
24 or aids or abets an individual to obtain, by means of a
25 willfully false statement or representation, by knowingly
26 failing to disclose a material fact, or by impersonation, or
27 any fraudulent device, any assistance or other benefits under
28 this chapter to which the individual is not entitled, commits
29 a fraudulent practice.

30 *b.* An individual who accesses benefits provided under
31 this chapter in violation of any prohibition imposed by the
32 department pursuant to section 239B.5, subsection 4, commits
33 a fraudulent practice.

34 Sec. 7. Section 249A.3, subsection 1, Code 2013, is amended
35 by adding the following new paragraph:

1 NEW PARAGRAPH. v. Is an individual under twenty-six years
2 of age who was in foster care under the responsibility of the
3 state on the date of attaining eighteen years of age or such
4 higher age to which foster care is provided and was enrolled
5 in medical assistance under this chapter while in such foster
6 care.

7 Sec. 8. Section 249A.3, subsection 2, paragraph a,
8 subparagraph (9), Code 2013, is amended by striking the
9 subparagraph.

10 Sec. 9. Section 249J.26, subsection 2, Code 2013, is amended
11 to read as follows:

12 2. This chapter is repealed ~~October~~ December 31, 2013.

13 Sec. 10. Section 514I.4, subsection 5, paragraph a, Code
14 2013, is amended by striking the paragraph.

15 Sec. 11. Section 514I.5, subsection 7, paragraph f, Code
16 2013, is amended to read as follows:

17 f. Review, in consultation with the department, and take
18 necessary steps to improve interaction between the program and
19 other public and private programs which provide services to the
20 population of eligible children. ~~The board, in consultation~~
21 ~~with the department, shall also develop and implement a plan~~
22 ~~to improve the medical assistance program in coordination with~~
23 ~~the hawk-i program, including but not limited to a provision to~~
24 ~~coordinate eligibility between the medical assistance program~~
25 ~~and the hawk-i program, and to provide for common processes~~
26 ~~and procedures under both programs to reduce duplication and~~
27 ~~bureaucracy.~~

28 Sec. 12. Section 514I.5, subsection 8, paragraphs b and f,
29 Code 2013, are amended by striking the paragraphs.

30 Sec. 13. Section 514I.7, subsection 2, paragraphs a and g,
31 Code 2013, are amended to read as follows:

32 a. Determine ~~individual~~ eligibility for program enrollment
33 ~~based upon review of completed applications and supporting~~
34 ~~documentation~~ using policies and procedures established by the
35 department by rule. The administrative contractor shall not

1 enroll a child who has group health coverage unless expressly
2 authorized to do so by a department rule.

3 g. Create and Utilize the department's eligibility system
4 to maintain eligibility files that are compatible with the
5 data system of the department with pertinent eligibility
6 determination and ongoing enrollment information including, but
7 not limited to, data regarding beneficiaries, enrollment dates,
8 disenrollments, and annual financial redeterminations.

9 Sec. 14. Section 514I.7, subsection 2, paragraphs c, d, e,
10 f, and k, Code 2013, are amended by striking the paragraphs.

11 Sec. 15. Section 514I.8, subsection 2, paragraph c, Code
12 2013, is amended to read as follows:

13 c. Is a member of a family whose income does not exceed
14 three hundred percent of the federal poverty level, as defined
15 in 42 U.S.C. § 9902(2), including any revision required by
16 such section, and in accordance with the federal Children's
17 Health Insurance Program Reauthorization Act of 2009, Pub. L.
18 No. 111-3. The modified adjusted gross income methodology
19 prescribed in the federal Patient Protection and Affordable
20 Care Act, Pub. L. No. 111-148, shall be used to establish the
21 family income for program eligibility purposes.

22 Sec. 16. Section 514I.8, subsections 3 and 4, Code 2013, are
23 amended to read as follows:

24 3. In accordance with the rules adopted by the board,
25 a child may be determined to be presumptively eligible for
26 the program pending a final eligibility determination.
27 Following final determination of eligibility ~~by the~~
28 ~~administrative contractor~~, a child shall be eligible for a
29 twelve-month period. At the end of the twelve-month period,
30 ~~the administrative contractor shall conduct~~ a review of the
31 circumstances of the ~~eligible~~ child's family shall be conducted
32 to establish eligibility and cost sharing for the subsequent
33 twelve-month period.

34 4. Once an eligible child is enrolled in a plan, ~~the~~
35 ~~eligible child shall remain enrolled in the plan unless a~~

1 ~~determination is made, according to criteria established by the~~
2 ~~board, that the eligible child should be allowed to enroll in~~
3 ~~another qualified child health plan or should be disenrolled.~~
4 An enrollee may request to change plans within ninety days
5 of initial enrollment for any reason and at any time for cause,
6 as defined in 42 C.F.R. § 438.56(d)(2). Otherwise, an enrollee
7 may change plan enrollment once a year on the enrollee's
8 anniversary date.

9 Sec. 17. Section 514I.8, subsections 5 and 6, Code 2013, are
10 amended by striking the subsections.

11 Sec. 18. Section 514I.9, subsections 1 and 2, Code 2013, are
12 amended by striking the subsections.

13 Sec. 19. REPEAL. Section 225C.48, Code 2013, is repealed.

14 Sec. 20. EFFECTIVE DATE. The following provision or
15 provisions of this Act take effect January 1, 2014:

16 1. The sections of this Act amending section 249A.3.

17 EXPLANATION

18 This bill relates to child, adult, and family services under
19 the purview of the department of human services by eliminating
20 the comprehensive family support council, amending provisions
21 related to the family investment program by prohibiting the use
22 of assistance in an electronic benefit transfer transaction
23 in certain locations, amending provisions related to medical
24 assistance eligibility, IowaCare, and the healthy and well kids
25 in Iowa program (hawk-i), and ensuring compliance with the
26 federal Patient Protection and Affordable Care Act.

27 The bill eliminates the comprehensive family support council
28 and strikes references to the council.

29 The bill directs the department of human services (DHS) to
30 implement policies and procedures necessary to comply with the
31 federal Middle Class Tax Relief and Job Creation Act of 2012,
32 to prevent family investment program assistance from being used
33 in any electronic benefit transfer transaction in a liquor
34 store; a casino, gambling casino, or gaming establishment;
35 or a retail establishment that provides adult-oriented

1 entertainment. The bill also provides that an individual
2 accessing benefits through the family investment program in a
3 way prohibited under the policies and procedures implemented by
4 the department commits a fraudulent practice.

5 The bill extends the repeal date of the IowaCare program from
6 October 31, 2013, to December 31, 2013.

7 The bill amends provisions relating to the medical
8 assistance program and hawk-i to comply with provisions of the
9 federal Patient Protection and Affordable Care Act.

10 The bill adds an additional eligibility category for
11 medical assistance for an individual under the age of 26 who
12 aged out of the foster care system and was enrolled in the
13 medical assistance program while in foster care. The bill
14 also eliminates language regarding eligibility for medical
15 assistance for an individual who is under the age of 21 who
16 aged out of the foster care system and has an income of less
17 than 200 percent of the poverty guidelines. These provisions
18 are effective January 1, 2014.

19 The bill amends provisions of hawk-i. The bill eliminates
20 the requirement that DHS develop a joint application form for
21 hawk-i and the medical assistance program. The bill deletes
22 the requirement that the hawk-i board and DHS adopt rules
23 addressing the hawk-i application form and standards for
24 program eligibility. The bill also eliminates the requirement
25 that the hawk-i board and DHS develop and implement a plan to
26 improve coordination between the hawk-i program and the medical
27 assistance program.

28 The bill amends the role of the administrative contractor
29 for hawk-i. The bill provides that the administrative
30 contractor shall determine eligibility using policies and
31 procedures established by rule rather than based on a review
32 of the applications. The administrative contractor must
33 also maintain eligibility files with relevant eligibility
34 determination and ongoing enrollment information. The bill
35 also eliminates the following duties of the administrative

1 contractor: to forward names of children that may be eligible
2 for medical assistance to DHS; monitor and assess medical and
3 dental care provided and monitor complaints and grievances;
4 verify and forward participating insurers' payment requests
5 to DHS; develop and issue approval, denial, and cancellation
6 notifications to applicants and enrollees; and receive
7 completed applications and verifications at a central location.
8 The bill also eliminates the administrative contractor as the
9 person responsible for conducting a review of the circumstances
10 of the child's family to establish eligibility and cost-sharing
11 in subsequent eligibility periods.

12 The bill requires the use of the modified adjusted
13 gross income methodology in the federal Patient Protection
14 and Affordable Care Act to establish the family income in
15 determining eligibility for hawk-i.

16 The bill adds that an enrollee of the program may request to
17 change plans within the initial 90-day period of enrollment for
18 any reason and at any time for cause, as identified in federal
19 regulations.

20 The bill eliminates the requirement that the hawk-i board
21 study and make recommendations regarding the level of family
22 income appropriate for application to the program. The bill
23 also eliminates the requirement that the board and the council
24 on human services try to coordinate the administration of
25 hawk-i and the medical assistance program.

26 The bill eliminates provisions relating to benefits provided
27 prior to July 1, 1999.